



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

October 7, 2008

CERTIFIED MAIL

7006 0100 0002 8190 7250

Mr. Oneal Kang
Big B Mini Mart
1611 S Canyon Road
Ellensburg, WA 98926

Re: Notice of Non-Compliance and Notice of Penalty with the Underground Storage Tank Regulations, Chapter 173-360 WAC, at Big B Mini Mart, located at 1611 S Canyon Road, Ellensburg, UST Site ID # 10589, Ecology Facility/Site ID # 386

Dear Mr. Kang:

Pursuant to Chapter 90.76 Revised Code of Washington and Chapter 173-360 Washington Administrative Code (WAC), the Washington State Department of Ecology is required to regulate underground storage tanks (USTs) and UST systems. On September 30, 2008, a compliance inspection of the UST system located at 1611 S Canyon Road, Ellensburg, Washington, was completed. During the course of the inspection, the following violations were found:

WAC 173-360-350(2)(a)(ii) and (3)(a) Methods of release detection for piping

- (2)(a)(ii) failure to have pressurized piping tightness tested annual
- (3)(a) failure to conduct annual testing of the automatic line leak detector

Pressurized piping shall be tightness tested annual and an annual test of the operation of the leak detector shall be conducted in accordance with the manufactures instructions.

It was noted during the inspection that pressurized piping and the automatic line leak detectors have not been tested since on December 24, 2007.

Required Action:

Within 60 days of receipt of this notice a tightness test and a test of the automatic line leak detectors must be conducted on the piping. The testing must be conducted by a UST supervisor certified by the International Code Council in Tightness Testing. The tests must be conducted in accordance with the performance requirements under WAC 173-360-350(3)(a) and (b). A



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tightness testing checklist must be completed by the UST supervisor that performed the work, signed by the UST owner or authorized representative, and submitted to the my attention at the Department of Ecology , Underground Storage Tank Unit, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902 within 5 days of completion of work.

WAC 173-360-345 Methods of release detection for tanks

- failure to conduct release detection in accordance with method used

Any method of release detection for tanks shall meet the performance requirements of this section. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method.

It was noted during the inspection that daily inventory was not being conducted in accordance with the requirements. Inventory of the USTs (daily sticking) was done sporadically throughout the month. Inventory control involves taking measurements of tank contents and recording the amount of product pumped each operating day, measuring and recording tank deliveries, and reconciling all the data at least once a month.

In addition, the USTs were required to implement a method of release detection that meets monthly monitoring requirements by May 2005. The release detection method used must meet a 0.2 gallon per hour leak rate. Daily Inventory does not meet this requirement.

Required Action:

Immediately upon receipt of this notice, you must chose and begin a method of release detection for tanks that complies with monthly monitoring requirements as specified in WAC 173-360-335. There are two methods that you may choose from. You may have an Automatic Tank Gauge (ATG) installed that has been certified to meet monthly monitoring requirements or you may choose to conduct Statistical Inventory Reconciliation (SIR).

If you chose to use the ATG it must be installed, programmed, and operated in accordance with the manufacturer's instructions and must be able to conduct monthly leak checks of the tanks. The installation must be completed by a person(s) certified by the International Code Council (ICC) in tanks installation and retrofitting. A Retrofit Repair checklist must be completed by the person that performed the work and submitted to Ecology within 5 business days following completion of work.

If you chose the SIR method, I have enclosed a booklet for your use that will assist you with gathering the correct data to provide to a third party evaluator. The third party evaluator will perform a statistical analysis of the data and provide you with the results monthly. With either

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choice, you must notify Ecology of which method you have chosen and provide the next two months (November and December) leak tests results.

Within 60 days of receipt of this notice the UST system must be tightness tested in accordance with WAC 173-360-345(6)(d). The testing must be conducted by a UST supervisor certified by the International Code Council (ICC) to perform tightness testing. A tightness testing checklist must be completed and signed by you or an authorized representative and submitted within 2 days following the completion of the tightness testing.

A Notice of Penalty is being issued in the amount of \$800.00. The assessed amount is based on the failure to perform release detection on tanks. You have the right to appeal this penalty. Instructions for an appeal can be found on the back of the notice.


Failure to comply with this notice or the UST regulations can result in administrative orders and additional penalties of up to \$5,000.00 per tank per day of violation.

In addition to the above-noted violations, it appeared that a measuring stick may be in the fill pipe of the number 4 tank holding premium gasoline. You need to have a service provider check this fill pipe and ensure that the overfill device is in working order. It was also noted that the turbine for the number 3 tank is completely covered by dirt. You are strongly encouraged to dig this turbine out so that it can be easily and thoroughly inspected.

As a reminder, you are required to keep and maintain all records related to the operation and maintenance of the UST system. This includes any monthly leak check results and repairs made to the UST system.

Please call me at (509) 454-7833 with any questions you may have concerning this notice or the actions that you must take to comply with the regulations.

Sincerely,


Christina Zerby
Environmental Specialist
Toxics Cleanup Program
Underground Storage Tank Unit

Enclosures: Field Penalty 0
SIR Booklet

SENDER: COMPLETE THIS SECTION


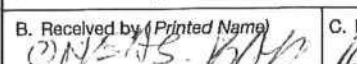
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ONEAL KANG
BIG B MINI MART
1611 S CANYON RD
ELLENSBURG WA 98926

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

- A. Signature  ☐ Agent ☒ Addressee
- B. Received by (Printed Name)  C. Date of Delivery 10/8
- D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

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Washington State Department of Ecology
Underground Storage Tank Program

NOTICE OF PENALTY

Penalty # UST 002599 UST Site # 10589 Agency Docket # 6116

Responsible Party: Oneal Kang

Location of Violation Big B mini Mart Mailing Address
(Address) 1611 So. Hall S Canyon Rd (if different): Hall S Canyon Rd
State/Zip: Ellensburg WA 98926 State/Zip: Ellensburg WA 98926

Date Issued: 10-7-08 Time: 10:00A Region: NOA

		Penalty Amount	
	Unit Assessment	TOTAL	

RCW 90.76.020(1)(e) RCW 90.76.020(3)(d) WAC 173-360-200	Failure to notify of existing or new UST system	\$100		
RCW 90.76.020(3)(d) WAC 173-360-200(6)	Failure to report changes in UST system information within 30 days including temporary closure	\$100		
RCW 90.76.020(4) or (5) WAC 173-360-130 (1)	Operating UST without a valid license and/or permit (tag)	\$100		
RCW 90.76.020(1)(a) or (b) WAC 173-360-305(3) or 310(4)	Failure to provide required overfill and/or spill protection	\$100		
RCW 90.76.020(1)(c), (3)(a), or (d) RCW 90.76.080(1) WAC 173-360-210	Failure to comply with reporting and recordkeeping requirements.	\$100		
RCW 90.76.020(4) RCW 90.76.050 WAC 173-360-130(5)	Waste oil pumped/emptied without UST having a valid license and/or permit (tag)	\$100		
RCW 90.76.020(1)(d) WAC 173-360-335 through 355	Failure to comply with release detection requirements.	\$200	4	800
RCW 90.76.020(1)(f) WAC 173-360-380 through 398	Failure to comply with closure requirements	\$200		
RCW 90.76.020(1)(a), (b) or (c) WAC 173-360-305, 310, 320	Failure to comply with corrosion protection requirements.	\$200		
RCW 90.76.020(1)(g) WAC 173-360-400 through 499	Failure to comply with financial responsibility requirements	\$400		
RCW 90.76.050 WAC 173-360-130(4)	Delivering to UST without a valid permit (tag)	\$500		
RCW 90.76.020(1)(f) WAC 173-360-390	Failure to conduct required site assessment	\$500		
RCW 90.76.020(1)(e) WAC 173-360-360, 372, or 375	Failure to comply with release reporting requirements	\$500	Per Site	
RCW 90.76.020(1)(c) WAC 173-360-375	Failure to immediately contain and cleanup any spill or overfill of petroleum or hazardous substance	\$500	Per Site	
RCW 90.76.020(6) WAC 173-360-620, 630	Failure to comply with certification requirements	\$500	Per Site	
RCW 90.76.020(1)(e) WAC 173-360-370	Failure to investigate for a suspected release	\$500	Per Site	
WAC 173-360-370 through 375 WAC 173-360-399/ WAC 173-340-450	Failure to comply with Corrective Action Requirements	\$500	Per Site	

Total for above penalty(s) 800

I personally investigated or observed the violation(s) noted above.
10-7-08
Signature of UST Inspector Christina Z... Date
Printed Name of UST Inspector

I acknowledge receipt of this action. A signature does not imply agreement.
Sent Certified Mail 10-7-08
Signature of Responsible Party or Site Contact 7826 0100 0002 8190 7250 Date
Printed Name of Responsible Party or Site Contact

Evidence Collected:
Site Inspection

Regional Office Mailing Addresses	Phone Numbers
NWRO 3190 160 th Ave SE, Bellevue WA 98008-5452	(425) 649-7000
SWRO PO Box 47775, Olympia, WA 98504-7775	(360) 407-6300
VFO Field Office 2108 Grand Blvd, Vancouver, WA 98661	(360) 690-7171
CRO 15 W Yakima Ave Ste 200, Yakima, WA 98902	(509) 575-2490
ERO 4601 N Monroe, Spokane, WA 99205-1295	(509) 329-3400

This action does not limit the Department from other enforcement actions as deemed necessary. You have a right to appeal this penalty. Refer to the back of this penalty for detailed instructions. Immediately contact the Inspector that issued this penalty if you do not understand the appeal process.
Authority to issue Penalties for these Violations is found in RCW 90.76.080